PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference JED1149				FOR FURTHER ACTION See Notification of Transmitted of International Preliminary Examination Report (Form PCT/IPEA/			416)
International application No. PCT/GB 03/01730				totemational filing date (dayling 22.04.2003	nth/year)	Priority date (day/monthlyear) 26.04.2002	
Intern		Pater		oth national classification and IPC			
Applie DRU		ND,	Desmond, Charles	et al.			
1.	This i	intern	ational preliminary exa and is transmitted to the	mination report has been prep e applicant according to Article	ered by this into	ernational Preliminary Examinin	g
2.	This	REP	ORT consists of a total	of 5 sheets, including this cov	er sheet.		
	Ø		and the bear the	nied by ANNEXES, i.e. sheet basis for this report and/or sh in 607 of the Administrative In	anes communinu	ion, claims and/or drawings whit rectifications made before this / the PCT).	ch have Authority
	Thes	e anı	nexes consist of a total	of 2 sheets.			
3.	This			elating to the following items:			
	1	×	Basis of the opinion				
	ŧ1		Priority			and to describe annual little	
	1()			opinion with regard to novetly	, inventive step	and industrial applicability	
	IV		Lack of unity of inven	tion		and a state of individual wholis	achilibe
	V	Ø	Reasoned statement citations and explana	under Rule 68.2(a)(ii) with reg atlons supporting such stateme	ard to novelty, and	inventive step or industrial appli	caomy,
	VI		Certain documents d				
	VII			e international application			
	VIII		Certain observations	on the international application	n		
Date	e of sub	missl	on of the demand	Dan	of completion of	this report	
21.	11.20	03		21.	07.2004		
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-	(IL	D-	rropean Patent Office 80298 Munich		Blasio, A	* ************************************	9)) }
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 Basis of the repo 	٥ı	ľ	۱
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Description, Pages

 With regard to the elements of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.18 and 70.17)):

	1-30	•	as originally filed						
	Cla	ims, Numbers							
	1-1	1	filed with telefax on 13.04.2004						
	Ora	rawings, Sheets							
	1/2-	-	as originally filed						
2.	Witi lang	h regard to the langu guage in which the int	regard to the language , all the elements marked above were available or furnished to this Authority in th age in which the international application was filed, unless otherwise indicated under this item.						
	These elements were available or furnished to this Authority in the following language: , which is:								
		the language of a translation furnished for the purposes of the international search (under Rule 23.1)							
		the language of publ	ication of the international application (under Rule 48.3(b)).						
		the language of a tra Rule 55.2 and/or 55.	unslation furnished for the purposes of international preliminary examination (under 3).						
3.	With	regard to any nucleotide and/or amino acid sequence disclosed in the international application, the national preliminary examination was carried out on the basis of the sequence listing:							
		contained in the inte	mational application in written form.						
		filed together with th	iled together with the international application in computer readable form.						
		furnished subsequer	umished subsequently to this Authority in written form.						
		furnished subsequer	urnished subsequently to this Authority in computer readable form.						
		The statement that the subsequently fumished written sequence listing does not go beyond the disclosure in the international application as filed has been fumished.							
		The statement that the listing has been furnitude.	he information recorded in computer readable form is identical to the written sequence ished.						
4.	The	amendments have n	esulted in the cancellation of:						
		the description,	pages:						
		the claims,	Nos.:						
		the drawings,	sheets:						



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5.

This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

- 6. Additional observations, if necessary:
- V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- 1. Statement

Novelty (N)

Yes: Claims

1-11

No: Claims

Inventive step (IS)

Yes: Claims

No:

No:

1-11

Industrial applicability (IA)

Yes: Claims

Claims

Claims

1-11

2. Citations and explanations

see separate sheet

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Re Item V

(2)

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.1 WO-A-02/38465 (D1), by the applicants themselves and cited in the present application, should constitute the preamble of present claim 1. The method of D1 further comprises to press the two parts, i.e. pot lid and pot body, with the membrane trapped between the touching surfaces. Thus the two-part form of claim 1 does not seem to be correctly formulated (Rule 6.3(b) PCT). D1 does not disclose protuberances for directing energy during welding on either the pot lid or the pot body. Moreover, D1 having been published after the priority date of the present application is of no use in assessing compliance with Art. 33(2) PCT and Art. 33(3) PCT.

US-A-5.716.432 (D2) discloses a method of constructing a desiccant pot by trapping a spun-bonded membrane between two separate parts constituting either the pot lid or the pot body, these two separate parts being made of high density plastic. One of the separate parts has upon its touching surface an energy directing protrusion (cf col. 2, II. 48-52). The energy directing protrusion extends from one touching surface to the other. Hence the use of energy directing protrusion in combination with ultrasonically welding a membrane to either a lid or a body is known in the field of constructing desiccant pots.

D2 does not disclose a low-density membrane made of spun-bond plastics. In D2 the membranes are welded either to the pot body or to the pot lid.

- 1.2 Also US-A-4.772.300 (D3) describes a method of constructing a desiccant pot having a membrane made of low -density membrane made of spun-bond plastics, namely Tyvek (col. 4, II. 29-42) and a body made of high density plastic (cf col. 3, II. 46-48). No further lid is added to the desiccant pot. The membrane is ultrasonically welded to the pot.
- 1.3 US-A-5.465.856 (D4) relates to a method of constructing a container by joining two components under the action of pressure and heat. The heat of fusion can be provided by ultrasonic welding (cf col. 6, II. 6-17). In figures 6-8 of D4 are shown two components preassembled before welding. One of the components is provided with energy directing protrusions (cf ref. signs 66, 80 and 86). In figures 15 and 16 the fusion process is illustrated (see also col. 6, II. 32-47). D4 does not mention to place a membrane between the two parts before joining, nor does it teach to use its container as a desiccant stopper.

(8)

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- 1.4 To conclude none of the a.m. documents deprives the subject-matter of claim 1 of novelty (Art. 33(2) PCT), nor does it seem possible to derive the subject-matter of claim 1 from a combination of said documents in an obvious way (Art. 33(3) PCT).
- 2. The other documents cited in the search report seem to be less relevant:
- 2.1 US-A-5.942.060 (D5) also relates to a method of constructing a desiccant pot. A porous membrane is ultrasonically welded to a tubular body. The body is made of high density polyethylene (cf col. 4, II. 6-7), the membrane is also made of high density polyethylene (cf col. 4, II. 14-17), no low-density material is used as in the present application. No lid is added.
- 2.2 US-A-4.044.941 (D6) discloses a container made of a body, a lid and a seal membrane trapped between the body and the lid (see abstract). The contact surface of the container body is provided with an energy directing protrusion (cf fig. 3, ref. sign 10). Once the container is pre-assembled, the membrane is heated above the melting point of the container body and lid and pressure pushes the lid downwardly. The membrane is made of a metal foil, thus its not breathable and does not melt during the joining step. Moreover, the only explicit use of this container is related to food products (cf col. 2, II. 44-46).